

# CALFRESH (CF) PROGRAM

## REQUEST FOR POLICY/REGULATION INTERPRETATION

**INSTRUCTIONS:** Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO:		5. DATE OF REQUEST:	NEED RESPONSE BY:
<input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:		3/11/2013	3/20/2013
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION:	
3. PHONE NO.:		County of Santa Clara	
4. REGULATION CITE(S):		7. SUBJECT:	
Unknown		Computation of unreported income	
9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references)	
ACL 12-25 Page 79 states, "When recomputing benefits results in an OP/OI, the CWD shall recreate case circumstances, including the determination of what income was reasonably anticipated at the time (not based on actual income determined after the fact), using the correct county processing timeframes based on what the recipient should have reported." Per ACL 12-25 (P.84) and ParaRegs 292-7D, "No OP/OI or UP/UI shall be assessed when actual income received during the quarter differs from the amount of income reasonably anticipated, as long as the recipient met his or her mandatory reporting obligations completely and accurately. In other words, no reconciling based on actual income will be done so long as the requirement to report completely and accurately is met and CWDs averaged and issued the benefits correctly."		NOTE: All requests must have a regulation cite(s) and/or a reference(s).  ACL 12-25, ACL 03-18, ParaRegs 292-7D	

When computing an overissuance claim due to a household fails to meet the reporting requirement completely and accurately, can counties use actual amount received to reconcile?

### 10. REQUESTOR'S PROPOSED ANSWER:

The above statements specified in the ACL 12-25 are confusing. Page 79 instructs counties not to use actual amount, while Page 84 states no reconciliation with actual income only when the household meets the mandatory reporting requirements completely and accurately. Most overissuance claims our IEVS unit computes are due to the income that are never reported by the household, even if the income is required to report during the period or in the submit month. If counties are never allowed to use actual income received when computing overissuance claims as a result of unreported income, the above statement should be revised.

### 11. STATE POLICY RESPONSE (CFPB USE ONLY):

No overissuance would be assessed unless the recipient did not meet the mandatory reporting requirements. In SAR (the subject of ACL 12-25), the only mandatory mid-period reporting requirements are changes in ABAWD work hours and if the household's income goes over 130% of the FPL. If the household's income went over the 130% of the FPL and they did not report, then an overissuance would be assessed. However, if the income did not go over the 130% of the FPL, the household is not required to report the change mid-period.

### FOR CDSS USE

DATE RECEIVED:

3/11/13

DATE RESPONDED TO COUNTY/ALJ:

3/19/13